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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/530,620

04/07/2005

Vincentius Paulus Buil

NL 021025

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07/08/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

07/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,620	<b>Applicant(s)</b> BUIL ET AL.	
	<b>Examiner</b> ANDREY BELOUSOV	<b>Art Unit</b> 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This action is in response to the amendment filed on 5/18/2009. Claims 1-5 and 7 are pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Khosla et al. (6,202,061.)

**Claim 1, 3, 5:** Khosla discloses a system (Fig. 2) for enabling a user to manipulate a user interface (Fig. 2: 511, 513, 517, 519), the system comprising:

- a. receiving means (Fig. 2: 519, 517) for receiving a selection (Fig. 12E: selection of 803, shoebox containing all pictures) from the user;
- b. obtaining means (Fig. 2: 505, 507, 509, 515) for obtaining at least one previous collection that matches the selection (Fig. 12E: 305);
- c. generating means (Fig. 2: 501) for automatically generating a generated-collection (Fig. 12E: 805) that comprises the at least one item (Fig. 12E: 1253a, e.g. any items from the shoebox as shown in Fig. 12E: 305) wherein each item in the generated-collection matches the selection (pictures from dragged and

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dropped into the new Sample Album would match the selection – pictures from the shoebox); and

- d. presentation means (Fig. 2: 511, 513) for generating to the user, through the user interface (Fig. 2: 511, 513, 517, 519), an overview comprising the generated-collection and the at least one previous collection that matches the selection (Fig. 12E: 303.)

### ***Claim Rejections - 35 USC § 103***

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2, 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khosla.

**Claim 2, 4, 7:** Khosla discloses a system for enabling a user to manipulate a user interface according to claim 1,

- a. wherein a selection-criterion (it is inherent that a user would have certain criteria for choosing a certain collection from the choices in Fig. 12E: 303; e.g. a selection-criterion of all pictures – “shoebox”) defines the selection, the at least one item is labeled by an item-label (captions or titles, 5:54-5:63), the at least

one previous collection is labeled by a collection-label (Fig. 12E: 805, “Shoebox”); and

- b. the generated-collection comprises the at least one item (Fig. 12E: 1253a);
- c. the overview (Fig. 12E: 303) comprises the generated-collection (Fig. 12E: 1242) and the at least one previous collection (Fig. 12E: 803) of which the collection-label (Fig. 12E: 803) matches the selection-criterion (it is inherent that a user would have certain criteria for choosing a certain collection from the choices in Fig. 12E: 303; e.g. a selection-criterion of all pictures – “shoebox.”)

However, Khosla does not explicitly disclose that the at least one item of which the item-label matches the selection-criterion.

The Examiner takes Official Notice that it is old and well known to have albums with names (e.g. “weddings”, “birthdays” etc.) including album pictures having consistently themed picture captions. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the at least one item of which the item-label matches the selection-criterion. One would have been motivated to name a collection to correspond to a selection-criterion for subsequent retrieval without having to look through all collections.

### ***Response to Arguments***

Applicant's arguments filed 5/18/2009 have been fully considered but they are not persuasive.

Applicant argues that Khosla fails to properly address the features of claim 1. The Examiner respectfully disagrees. The truism presented in relation to the claim language as read upon it by the reference has a meaningful significance as it distinguishes from a case where the dragged and dropped item may be from a different collection other than the shoebox.

Applicant further argues that Khosla merely permits a user to manually create a generated-collection (i.e. select and drag) and as such it is not performed "automatically" as claim 1 now recites. The Examiner respectfully disagrees. The 'generation' as taught by Khosla is not the user acts of selection and dragging, but the underlying consequent automatic computer action which produces the file associations as it then visually illustrated by the icon of Fig. 12E: 805.

### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB

/Steven P Sax/  
Primary Examiner, Art Unit 2174

7/6/2009